IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Original Jurisdiction

Dated: Nainital the 14th day of June , 2002

Criminal Misc. Bail Application Number 439 of 2002

Order on the Bail Application

CRIMINAL SIDE

Panchanan Sarkar son of Sri Ram Lal, resident of Ward no.7, Shakti Farm, Kichha, District Udham Singh Nagar

…….Applicant(s)

Versus

State of Uttaranchal. …….. Opposite Party

Arising out of - Case Crime No. 455 of 2001,
Under Section 50, 51, Wild Life Protection Act,
P.S. Bazpur,
District Udham Singh Nagar

By the Court

Hon'ble Irshad Hussain, J.

Heard the learned counsel for the applicant and the learned A.G.A.

This is a case of recovery of molar tooth of the elephant from the possession of the applicant-accused.

Benefit of provisions of sub-section (6) of section 437 of the Code of Criminal Procedure has been sought in view of the fact that the trial has not been concluded within a period of six months from the date of the framing of the charge. The reason for the dealy has been given in the rejection order of bail by the learned Sessions Judge and it is to the effect that for want of the expert's report, the evidence could not be resumed or resumed in the trial.

Considering the time taken in obtaining the expert's report, the cause of dealay is justified and considering the same as also the fact that about 4.9 kg. of moral tooth was recovered from the possession of the applicant-accused, I do not see any cogent reason to admit the applicant-accused on bail.

Bail application is rejected. However, the report of the expert has now been received and the learned Magistrate is directed to conclude the trial preferably within two months from the date of the receipt of this order.

(Irshad Hussain, J.)

14.06.2002./B.